IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24876 of 2004

Between:

Industrial Development Bank of India Ltd., 5-9-89/1, & 2 Chapel Road, PB.No.370, Hyderabad, rep. by its Dy. General Manager.

..... PETITIONER

AND

1 The Recovery Officer (Asst. Provident Fund Commissioner) employees

Provident Fund Organization, Sub-Accounts office-12-1 Susheeram

Complex, Patancheru, Medak District.

2 The Employees Provident Organisation Regional Office at Bavisya

Bhavan, Barkatpura, Hyderabad.

3 The Central Provident Fund Commissioner, Bavishya Nidhi Bhavan, 14 Bhikaji Cama New Delhi

4 SOM Phytopharma India Ltd., Plot No.154/A5, sy.no.172/U SVCIE IDA Bolaram, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in issuing the auction notice No.AP/SAO/PTC/32402/ENF(Recy)/2004 dt. 22/11/2004 proposing to sell the assets of the 4th respondent without notice to the petitioners and without considering the petitioners objections as being illegal, arbitrary, unconstitutional and consequently set aside the same and further direct the respondents not to affect any sale of the 4th respondent properties without notice to the petitioners.

Counsel for the Petitioner: MR.S.NIRANJAN REDDY

Counsel for the Respondent Nos.1 to 3: MR.R.N.REDDY

Counsel for the Respondent No.4: ------

The Court, at the admission stage, made the following:

ORDER:

The main grievance of the petitioner-Bank in this writ petition is that without giving any notice and without considering the claim petition filed by it before the 1st respondent-Recovery Officer, the 1st respondent-Recovery Officer issued auction notice
No. AP/SAO/PTC/32402/ENF(Recy)/2004, dated 22.11.2004 proposing to sell the assets of the 4th respondent-Company on 08.01.2005, which were pledged/hypothecated to the petitioner-Bank. Hence, the writ petition.

Learned Standing Counsel appearing on behalf of the first respondent, on instructions, submitted that the 1st respondent-Recovery Officer is going to pass orders in accordance with law, on the claim petition filed by the petitioner-Bank in a day or two i.e., much before the auction date.

Heard the learned counsel for petitioner and learned Standing Counsel for Respondents. Both counsel agreed for disposal of the writ petition at the stage of admission.

Having regard to the submission made by the learned Standing Counsel for respondents that the claim petition of the petitioner bank would be considered and appropriate orders would be passed before the date of auction, no further orders are required to be passed in the present. Hence, recording the said submission made by the learned Standing Counsel for 1st respondent-Recovery Officer, the writ petition is disposed of at the admission stage. No costs.

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(N.V. RAMANA, J)

Date: 30.12.2004

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Recovery Officer (Asst. Provident Fund Commissioner) employees

Provident Fund Organization, Sub-Accounts office-12-1 Susheeram

Complex, Patancheru, Medak District.

2 The Employees Provident Organisation Regional Office at Bavisya

Bhavan, Barkatpura, Hyderabad.

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4 Two CD copies.